

PROPOSED

REVISED LOCAL RULES OF PRACTICE OF THE CRIMINAL COURT FOR KNOX COUNTY, TENNESSEE

It is ORDERED that all the rules of practice and procedure now on the Minutes of the Criminal Court for Knox County, Tennessee, be stricken and in lieu thereof the following rules will be observed in the conduct of the business of the Criminal Court, the same to be spread upon the Minutes of each Division of said Court.

I. ARRAIGNMENT, STATUS, AND TRIAL SETTINGS

Upon arraignment and appointment or appearance of counsel, the court will set a trial date or status date as determined by the court. Cases may be transferred among the divisions without notice. Once made counsel of record, an attorney may only be relieved as counsel upon completion of the case or permission of the court. Limited appearance on bond issues is permitted. An attorney appearing at arraignment is presumed to have made satisfactory arrangements for the payment of fees.

II. MOTIONS, CONTINUANCES, AND TRIAL PREPARATION

Time for filing pretrial motions. All pretrial motions must be filed and served in accordance with any motion deadlines established by the court and the Tennessee Rules of Criminal Procedure. If a motion deadline is not set by the court, pretrial motions shall be filed no later than sixty days before the trial date, unless good cause can be shown and stated in the motion.

If written responses by the State are requested by counsel, a separate notice shall be included with the Motions. The State shall file written responses within 20 days of receipt of the motions.

Service. Service upon opposing counsel may be made through direct delivery, United States Mail, Facsimile, or electronic delivery. If electronic delivery is employed, a return receipt must be requested. If a return receipt is not received, the moving party must make contact with opposing counsel to ensure receipt.

Status dates may be set by the court to determine progress of any case.

It is the responsibility of the moving party to set all motions on the court docket. The moving party shall consult with the opposing counsel and the court to find an agreeable date. The moving party shall request the clerk to set the motion on the agreed upon date when the motion is filed. If the parties are unable to agree upon a date available for the court, the moving party shall request the clerk to set the motion on a status date for the purpose of picking a hearing date. The opposing party may subsequently request a continuance upon showing good cause.

- Continuances: (a) Cases may not be continued by agreement and may be continued only by leave of Court. After a case has been set for trial, it will not be continued except for good cause shown which shall be brought to the attention of the court as soon as practicable.
- (b) Absence of a witness will not be grounds for a continuance unless the witness has been subpoenaed in accordance with the requirements of these rules and the Rules of Criminal Procedure.
- (c) If a case is continued, a new court date will be assigned at the time of the continuance unless otherwise directed by the court.

III. DISCOVERY

Defense counsel seeking discovery shall file a written request with the District Attorney General. A copy of this written request may also be filed with the court clerk. A motion to compel discovery should only be filed if the District Attorney has failed to respond within thirty days of the initial request. Motions to compel discovery must be docketed according to the procedure outlined above for pretrial motions. The State shall file written discovery responses when requested. If the State is offering open-file discovery, the State must file this response in writing. The State is responsible for ensuring that all discoverable material is present in the file at the time open-file discovery is offered. If additional evidence is subsequently obtained, the State must notify opposing counsel as soon as possible.

IV. TRANSPORTATION

Transportation of Prisoners outside of Knox County. Defense attorneys are responsible for requesting the transport of prisoners housed outside of Knox County for hearings and trials. These arrangements must be made at least two weeks before appearance. If a witness is in custody, the party calling the witness is required to request the presence of the witness with the court in advance of the court date.

V. VIDEO APPEARANCES

Parties and witnesses may appear by video upon approval of the court in some circumstances. The party requesting the video appearance must do so as soon as possible and not less than 10 days prior to the hearing, absent good cause for the delay. Inmates may be scheduled to appear by video at the direction of the court on pretrial matters.

VI. JURIES

The State shall be responsible for requesting a jury for trials by timely notification to the Jury Coordinator of the Criminal Court Clerk.

VII. TRANSCRIPTS, RECORDINGS, AND DIGITAL EQUIPMENT

Transcripts. Attorneys needing transcripts shall make the request to the court reporter in a timely manner.

Audio Recordings. Audio recordings prepared by a court reporter are created to aid the court reporter in generating the official transcript of the court proceedings. They are not records of the court. The recordings are part of the court's judicial process, the disclosure of which would frustrate or interfere with the judicial function of the court. Furthermore, the recordings often capture conversations between attorneys and attorneys and their clients not intended as part of the record. The recordings shall be maintained by the court reporter as directed by the court and may not be disseminated to anyone.

Electronic Equipment. For equipment needs, counsel shall consult the court. Parties should attempt to share electronic equipment during trial and hearings to minimize the amount of equipment in the courtroom and increase efficient displays of evidence.

VIII. NEGOTIATED DISPOSITIONS

If the parties reach a negotiated settlement on a case, the court must be notified on or before the plea deadline as set by the court. If no plea deadline is set, the parties must notify the court at least ten (10) business days prior to the trial. Otherwise, the court will only accept a plea to the indictment, unless good cause is shown.

IX. ORDER AND JUDGMENTS

All papers, including pleadings, motions, briefs, and proposed judgments and orders shall be filed with or submitted to the Criminal Court Clerk. Copies may be presented to the judicial secretary for review prior to the hearing date. Proposed orders shall be presented to the Court upon notice to opposing counsel.

Preparation and Submission of Orders and Judgments by Counsel. When directed by the court, counsel will prepare orders for entry by the court. All orders must be filed with the Clerk and served on opposing counsel within three (3) days following the day on which a ruling is made by the Court. Counsel for both parties must approve entry of the order prior to submission to the Court. If the parties do not agree as to the contents of the order, the matter should be set upon the docket at the first available court date.

Judgments. The District Attorney shall prepare and file the judgment form within 14 days of entry of judgment.

X. MEDIA GUIDELINES

The broadcasting, televising, or recording of any judicial hearing is controlled by the rules set forth in Tennessee Supreme Court Rules, Rule 30, with which every member of the media shall be presumed to be acquainted. Approved notice of media coverage pursuant to this rule will be considered granted for all hearings of said case, unless specifically stated otherwise.

- (i) No photography of any nature is allowed through the windows beside the Court's entrance doors.
- (ii) The hallway behind the Court is considered a part of chambers and no photography, interviews, or any journalistic activity will be allowed.
- (iii) No photography of jurors will be permitted.
- (iv) No photography of minors will be permitted without prior approval of the court.
- (v) No equipment, lights, or any type of camera will be permitted to block or impede access to the Courtroom.

XI. COURTROOM PROCEDURE AND DECORUM

The space within the bar is reserved for the parties engaged in the case on trial, attorneys, court officials, and assistants to counsel with permission of the court. No one else shall be permitted in this area at any time, which includes recess periods.

At each opening of each session of the Court, all persons in the Courtroom will rise, and, with the judge, remain standing until Court is formally opened by the Bailiff.

Audience seats may be reserved for those citizens having business with the Court, and for the immediate relatives of parties (fathers, mothers, sisters, brothers, children, and spouses).

Prosecuting witnesses and relatives shall be seated in that section of the audience directly behind the counsel table occupied by the prosecutor and the State's attorney; and the defendant's witnesses and relatives shall be seated in that section of the audience directly behind the counsel table occupied by the defendant and his/her attorney.

Any remaining seats may be occupied by spectators on a first come, first serve basis. No standing shall be permitted. After all seats are filled, the Bailiff shall see that no other person is admitted without express permission of the Court.

There shall be no food, drink, newspaper, magazines, cameras, or recording devices in the Courtroom without prior permission of the judge.

There shall be no loitering, loafing, or collecting of spectator groups outside the courtroom doors or in the halls adjacent to the Criminal Court rooms when the courts are in session.

All persons' cell phones shall be turned off or set to a silent mode while in the courtroom. No texting shall be permitted except by counsel or court personnel when conducting court business. The court may make exceptions for media reporters conducting official business.

Any electronic device that makes an audible noise during court proceedings shall be confiscated by the bailiffs and remanded to the court. The court may fine the owner of the device up to \$50.00 at the court's discretion.

Attorneys who are attending more than one court on a single day shall check in with the bailiff prior to the start of court and leave his or her location or cell phone number where he or she can be reached.

(Cases shall not be added to the docket, nor shall files be sent to the courtroom without the permission of opposing counsel and the court.

Defendants with outstanding process who are not scheduled on the docket must turn themselves in to the appropriate authority. They may not appear in court with counsel for the purposes of bond modification.

All defendants, witnesses, attorneys, and spectators shall conduct themselves with proper decorum at all times. There shall be no demonstrations, noise, loud talking or any act of misconduct permitted either inside the courtroom or outside the courtroom, or in any other area irrespective of its location as long as it is near enough to interfere with or to disrupt orderly proceedings of the courts.

Each attorney, whether representing the State or the defendant, as an officer of the Court, shall be expected to insure the orderly behavior of his prosecutor or defendant respectively.

The sessions of the Court will convene each morning Monday through Friday, at 9:00 a.m., unless otherwise scheduled. Recesses shall be at the Court's discretion.

During trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel, and the use of first names for adults shall be avoided. During opening statement or argument, no juror shall be addressed individually by name.

Bench conferences should be requested only when absolutely necessary in aid of a fair trial. Counsel may never lean upon the bench nor appear to engage the Court in conversation in a confidential manner.

Counsel should refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when absolutely necessary to protect the client, and should respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matters. When an objection is made to a question asked, counsel should refrain from asking the witness another question until the Court has had an opportunity to rule upon the objection. Objecting counsel shall state the legal grounds without argument or discussion except by leave of Court.

No attorneys, parties, or any other person having any interest in a case set for trial shall engage in any conversation with any juror serving in that Court until the juror's term of service has ended, except by leave of the Court.

The Bailiff and other officers serving the Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct and decorum.

XII. Modification or Abstention

The Court may modify or abstain, in its discretion, from applying any of the foregoing rules when to follow the rules would be unfair or would work any injustice.

These rules shall take effect _____.

Steven W. Sword
Division I

Hector I. Sanchez
Division II

G. Scott Green
Division III